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10/649,237	08/26/2003	Jerromy Laverne Johnson	US-0011.01	6004
59075	7590	10/29/2009	EXAMINER	
USAA (WW)			RAJ, RAJIV J	
Attn: Patent Counsel			ART UNIT	
9800 Fredericksburg Road			PAPER NUMBER	
San Antonio, TX 78288			3686	
			NOTIFICATION DATE	DELIVERY MODE
			10/29/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@usaa.com  
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### Office Action Summary

**Application No.**

10/649,237

**Applicant(s)**

JOHNSON ET AL.

**Examiner**

RAJIV J. RAJ

**Art Unit**

3686

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1, 9 & 15 have been amended.
2. Claims 1-9, 11-15 & 17-20 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The 35 U.S.C. 112 rejection of claims 1 & 9 are rejected in light of applicant's amendments.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. The 35 U.S.C. 101 rejection of claim 9 is rejected in light of applicant's amendments.
7. The 35 U.S.C. 101 rejection of claims 1-8 are rejected in light of applicant's amendments.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-5, 7-15 & 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rieker (US 5832447) (hereinafter Rieker) in view of Bosco et al. (US 5191522)

(hereinafter Bosco).

**Claim 1**

**Rieker as shown, discloses the following limitations:**

- *providing a plurality of interrelated tables;* (see at least Rieker Fig:9 A-D & related text)
- *from a storage device to a microprocessor of a computer system;* (see at least Rieker Fig:3 Items:100-162 & related text)

- *to the microprocessor;* (see at least Rieker Fig:3 Items:100-162 & related text)
- *providing a first key reference in first table . . . , the first key reference identifying a first specific group of the variables;* (see at least Rieker Fig:9 B-D Items:400, 600, 700 & related text)
- *matching the first key reference to a second table,* (see at least Rieker Fig:7B Item:266 & related text)
- *the first key reference identifying a second specific group of variables and a plurality of additional key references;* (see at least Rieker Fig:9B Item:400-466 & related text)
- *accessing, . . . the second table using the first key reference to retrieve the first deductible;* (see at least Rieker Column:9 Lines:45-67 Column:10 Lines:1-67)

Rieker does not disclose the following limitations, however Bosco, as shown does:

- *providing a plurality of policy variables for each table;* (see at least Bosco Column:8 Lines:42-51)
- *matching the plurality of additional key references to a plurality of respective additional tables, . . . the additional key references identifying a plurality of additional specific groups of variables;* (see at least Bosco Column:9 Lines:10-18 Lines:20-50)
- *the first deductible comprising a default deductible;* (see at least Bosco Column:20 Lines:60-67)

- *otherwise using the default deductible to determine the deductible amount;* (see at least Bosco Column:12 Lines:38-52 Column:20 Lines:20-50)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker. One of ordinary skill in the art would have added these features into Rieker with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

Rieker & Bosco do not disclose the following limitations, however, Ryan as shown does:

- *comparing . . . , the first deductible with a second deductible to generate a result, the second deductible comprising a current deductible;* (see at least Ryan Claims:1-4)
- *determining . . . , a deductible amount for a related policy renewal based on the result of the comparing the first deductible with the second deductible;* (see at least Ryan Claims:1-4)
- *wherein if the default deductible is less than the current deductible, then using the current deductible to determine the deductible amount;* (see at least Ryan Claims:1-3)

It would have been obvious to one of ordinary skill in the art to add the features of Ryan into Rieker/Bosco. One of ordinary skill in the art would have added these features into Rieker/Bosco with the motivation to provide an improved invention for

assessing, comparing and selecting insurance products and variables. (see at least Ryan Column:5 Lines:16-67, Column:6 Lines:1-67, Column:7 Lines:1-12)

- *the second table including a first deductible;* (Design Choice)

*The second table including a first deductible* is a design that is a mere matter of choice in ornamentality and produces no new mechanical effect or advantage does not constitute invention and "Counsel for appellant also present arguments relating to the proportioning and tightness of fit of appellant's devices. Those matters are considered to involve mechanical skill only and to produce no such new or unexpected result as would justify the allowance of the appealed claims." (See, In re Seid, 161 F.2d 229, 231, 73 USPQ 431, 433 (CCPA 1947))

### **Claim 2**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 1. Rieker further discloses the following limitation:

- *in the first table, providing a geographical variable, a transaction variable and an effective policy date variable;* (see at least Rieker Fig:10 A-B & related text)

### **Claim 3**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 2. Bosco further discloses the following limitation:

- *in the second table, providing a first deductible variable and a second deductible variable;* (see at least Bosco Column:7 Lines:58-62, column:9 Lines:43-45, Fig:10 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

#### **Claim 4**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 3. Bosco further discloses the following limitation:

- *in one of the additional tables, providing variables distinguishing deductibles available to the policies;* (see at least Bosco Column:11 Lines:42-59)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

#### **Claim 5**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 3. Bosco further discloses the following limitation:

- *in another of the additional tables, providing variables identifying change from the first deductible to the second deductible;* (see at least Bosco Column:7 Lines:58-62)



It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

#### **Claim 7**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 1. Bosco further discloses the following limitation:

- *another table controls each variable used to distinguish a first deductible variable from a second deductible variable;* (see at least Bosco Column:7 Lines:58-62& Column:9 Lines:43-45)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

#### **Claim 8**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 7. Rieker further discloses the following limitation:

- *the additional tables respectively provide variables distinguishing deductibles available to the policies and identifying change from the first deductible to the second deductible* (see at least Rieker Fig:7G Items:366-370 & related text)

### **Claim 9**

**Rieker as shown, discloses the following limitations:**

- *providing a plurality of interrelated tables including a first table, a second table, and a third table; (see at least Rieker Fig:9 A-D & related text)*
- *wherein the variables in the first table include a geographical variable, a transaction variable and an effective policy date variable; (see at least Rieker Fig:10 A-B & related text)*
- *providing a first key reference in first table, for identifying a first specific group of the variables; (see at least Rieker Fig:9 B-D Items:400, 600, 700 & related text)*
- *accessing the second table using the first key reference to retrieve the first deductible; (see at least Rieker Column:9 Lines:45-67 Column:10 Lines:1-67)*

Rieker does not disclose the following limitations, however Bosco, as shown does:

- *providing a plurality of policy variables in each table; (see at least Bosco Column:8 Lines:42-51)*
- *the first deductible comprising a default deductible; (see at least Bosco Column:20 Lines:60-67)*
- *wherein the variables in the second table include first deductible variables and second deductible variables; (see at least Bosco Column:7 Lines:58-62, Fig:10 & related text)*
- *wherein the variables in the third table distinguishes deductibles available to the policies; (see at least Bosco Column:11 Lines:42-59)*

- *using the default deductible to determine the deductible amount;* (see at least Bosco Column:12 Lines:38-52 Column:20 Lines:60-67)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker. One of ordinary skill in the art would have added these features into Rieker with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

Rieker & Bosco do not disclose the following limitations, however, Ryan as shown does:

- *comparing the first deductible with a second deductible to generate a result the second deductible comprising a current deductible;* (see at least Ryan Claims:1-4)
- *determining a deductible amount for a related policy renewal based on the result of the comparing the first deductible with the second deductible;* (see at least Ryan Claims:1-4)
- *wherein if the default deductible is less than the current deductible, then using the current deductible to determine the deductible amount;* (see at least Ryan Claims:1-3)

It would have been obvious to one of ordinary skill in the art to add the features of Ryan into Rieker/Bosco. One of ordinary skill in the art would have added these features into Rieker/Bosco with the motivation to provide an improved invention for

assessing, comparing and selecting insurance products and variables. (see at least Ryan Column:5 Lines:16-67, Column:6 Lines:1-67, Column:7 Lines:1-12)

**Claim 11**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 9.

Rieker further discloses the following limitation:

- *the first key reference identifies a first specific group of variables* (see at least Rieker Fig:9 B-D Items:400, 600, 700 & related text)

**Claim 12**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 11.

Rieker further discloses the following limitation:

- *the first key reference is matched to the second table* (see at least Rieker Fig:7B Items:266 & related text)

**Claim 13**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 12.

Rieker further discloses the following limitation:

- *the first key reference identifies a second specific group of variables and a plurality of additional key references* (see at least Rieker Fig:9B Items:400-466 & related text)

**Claim 14**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 13.

Bosco further discloses the following limitation:

- *the plurality of additional key references are matched to a plurality of respective additional tables;* (see at least Bosco Column:9 Lines:10-18)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

#### **Claim 15**

**Rieker as shown, discloses the following limitations:**

- *a storage device storing a program;* (see at least Rieker Fig:3 Items:100, 150B, Fig:4 Items:172 & related text)
- *a processor coupled to the storage device* (see at least Rieker Fig:3 Items:100, 150B, Fig:4 Items:172 & related text)
- *operative with the program for processing data in a plurality of interrelated tables;* (see at least Rieker Fig:300 Items:100,110 Fig:9 A-D & related text)
- *the variables in a first table including a geographical variable, a transaction variable, an effective policy date variable;* (see at least Rieker Fig:10 A-B & related text)
- *and a first key reference;* (see at least Rieker Fig:9 B-D Items:400, 600, 700 & related text)

Rieker does not disclose the following limitations, however Bosco, as shown does:

- *a plurality of policy variables in each table; (see at least Bosco Column:8 Lines:42-51)*
- *the variables in a second table including first deductible variables and second deductible variables, being accessed using the first key reference; (see at least Bosco Column:7 Lines:58-62, Column:8 Lines:40-51, Fig:10 & related text)*
- *the variables in a further table distinguishing deductibles available to the policies; (see at least Bosco Column:11 Lines:42-59)*
- *the deductible amount is based on the default deductible; (see at least Bosco Column:12 Lines:38-52 Column:20 Lines:60-67)*

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker. One of ordinary skill in the art would have added these features into Rieker with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

Rieker & Bosco do not disclose the following limitations, however, Ryan as shown does:

- *deductible variables determine a deductible amount for a related policy renewal based on the comparison of the first deductible with the second deductible, the first deductible comprising a default deductible and the second deductible comprising a current deductible; (see at least Ryan Claims:1-4)*

- *wherein if the default deductible is less than the current deductible as determined by the comparison, then the deductible amount is based on the current deductible;* (see at least Ryan Claims:1-3)

It would have been obvious to one of ordinary skill in the art to add the features of Ryan into Rieker/Bosco. One of ordinary skill in the art would have added these features into Rieker/Bosco with the motivation to provide an improved invention for assessing, comparing and selecting insurance products and variables. (see at least Ryan Column:5 Lines:16-67, Column:6 Lines:1-67, Column:7 Lines:1-12)

**Claim 17**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 15. Rieker further discloses the following limitation:

- *the first key reference identifies a first specific group of variables;* (see at least Rieker Fig:9 B-D Items:400, 600, 700 & related text)

**Claim 18**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 17. Rieker further discloses the following limitation:

- *the first key reference is matched to the second table* (see at least Rieker Fig:7B Items:266 & related text)

**Claim 19**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 18. Rieker further discloses the following limitation:

- *the first key reference identifies a second specific group of variables and a plurality of additional key references* (see at least Rieker Fig:9B Items:400-466 & related text)

#### **Claim 20**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 19.

Bosco further discloses the following limitation:

- *the plurality of additional key references are matched to a plurality of respective additional tables;* (see at least Bosco Column:9 Lines:10-18)

It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

11. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rieker in view of Bosco in further view of Garrett et al. (US 5325291) (hereinafter Garrett).

#### **Claim 6**

The combination of Rieker/Bosco/Ryan disclose all of the limitations of claim 1.

Garrett further discloses the following limitation:

- *the first table controls an initial placement of the first key reference on the second table;* (see at least Garrett Fig:5,6 & related text)



It would have been obvious to one of ordinary skill in the art to add the features of Bosco into Rieker/Bosco/Ryan. One of ordinary skill in the art would have added these features into Rieker/Bosco/Ryan with the motivation of providing a more efficient and effective method for managing insurance related costs. (see at least Bosco Column:3 Lines:25-45)

### ***Response to Arguments***

12. Applicant's arguments received on 19 August 2009 have been fully considered but they are not persuasive. Applicants' arguments will be addressed herein below in the order in which they appear in the response filed 19 August 2009.
13. In response to applicant's argument that Rieker, Bosco, Ryan & Garrett is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).
14. As per claims 2-5, 7-8, 11-14 & 17-20 applicant makes arguments based on dependency on claims 1, 9 & 15 and are rejected for on the same grounds.
15. In response to applicant's arguments regarding claim 6, Examiner points out that part of applicant's argument is based on claim 6's dependency on claim and thus is rejected on the same grounds. Further, the applicant argues the purpose prior art source, Garrett, which is addressed above. In addition Examiner asserts that the

cited prior art in Garrett (see at least Garrett Fig:5,6) does indeed disclose the language of claim 6.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJIV J. RAJ whose telephone number is (571) 270-3930. The examiner can normally be reached on Monday thru Friday 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

Date: 10/26/09  
/RJR/ Patent Examiner Art Unit 3686

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686